

Effective June 10, 2015.

DEREGULATION OF HAIR BRAIDING

CHAPTER 413

H.B. No. 2717

AN ACT

relating to the deregulation of hair braiding.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1601.002, Occupations Code, is amended to read as follows:

Sec. 1601.002. **DEFINITION OF BARBERING.** In this chapter, “barbering,” “practicing barbering,” or the “practice of barbering” means:

(1) performing or offering or attempting to perform for compensation or the promise of compensation any of the following services:

(A) treating a person’s mustache or beard by arranging, beautifying, coloring, processing, shaving, styling, or trimming;

(B) treating a person’s hair by:

(i) arranging, beautifying, bleaching, cleansing, coloring, curling, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;

(ii) providing a necessary service that is preparatory or ancillary to a service under Subparagraph (i), including bobbing, clipping, cutting, or trimming; or

(iii) cutting the person’s hair as a separate and independent service for which a charge is directly or indirectly made separately from a charge for any other service;

(C) cleansing, stimulating, or massaging a person’s scalp, face, neck, arms, or shoulders:

(i) by hand or by using a device, apparatus, or appliance; and

(ii) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

(D) beautifying a person’s face, neck, arms, or shoulders using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

(E) treating a person’s nails by:

(i) cutting, trimming, polishing, tinting, coloring, cleansing, manicuring, or pedicuring; or

(ii) attaching false nails;

(F) massaging, cleansing, treating, or beautifying a person’s hands;

(G) administering facial treatments;

(H) weaving a person’s hair by using any method to attach commercial hair to a person’s hair or scalp;

(I) shampooing or conditioning a person’s hair; or

(J) servicing in any manner listed in Paragraph (B) a person’s wig, toupee, or artificial hairpiece on a person’s head or on a block after the initial retail sale; ~~or~~

~~[(K) braiding a person’s hair, trimming hair extensions only as applicable to the braiding process, and attaching commercial hair only by braiding and without the use of chemicals or adhesives;]~~

(2) advertising or representing to the public in any manner that a person is a barber or is authorized to practice barbering; or

(3) advertising or representing to the public in any manner that a location or place of business is a barbershop, specialty shop, or barber school.

SECTION 2. Section 1601.003, Occupations Code, is amended to read as follows:

Sec. 1601.003. APPLICATION OF CHAPTER. This chapter does not apply to a person who:

(1) does not represent or advertise to the public directly or indirectly that the person is authorized by the department to practice barbering; and

(2) is:

(A) a physician or registered nurse licensed in this state and operating within the scope of the person's license;

(B) a commissioned or authorized medical or surgical officer of the United States armed forces;

(C) a person regulated under Chapter 1602, if the person practices within the scope of a permit, license, or certificate issued by the department under that chapter; ~~or~~

(D) an inmate in the institutional division of the Texas Department of Criminal Justice who performs barbering during the person's incarceration; or

(E) *a person who performs only natural hair braiding, including braiding a person's hair, trimming hair extensions only as applicable to the braiding process, and attaching commercial hair by braiding and without the use of chemicals or adhesives.*

SECTION 3. Section 1601.254(c), Occupations Code, is amended to read as follows:

(c) The commission shall adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of barbering as defined by Sections 1601.002(1)(C)–(H) ~~and (K)~~.

SECTION 4. Section 1601.265(a), Occupations Code, is amended to read as follows:

(a) The department shall issue a license or certificate to an applicant for a license or certificate issued under Section 1601.253, 1601.256, or 1601.258 ~~or 1601.259~~ if the applicant:

(1) submits an application on a form prescribed by the department;

(2) pays the application fee; and

(3) provides proof that the applicant holds a current license to engage in the same or a similar activity issued by another jurisdiction that has license requirements substantially equivalent to those of this state.

SECTION 5. Section 1601.304(a), Occupations Code, is amended to read as follows:

(a) A person who holds a specialty shop permit may maintain an establishment in which only barbering as defined by Section 1601.002(1)(E), (F), or (H) ~~or (K)~~ is performed.

SECTION 6. Section 1602.002(a), Occupations Code, is amended to read as follows:

(a) In this chapter, "cosmetology" means the practice of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

(A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming a person's hair or shaving a person's neck with a safety razor; or

- (C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;
- (2) ~~braiding a person's hair;~~
- ~~(3)~~ shampooing and conditioning a person's hair;
- (3) ~~(4)~~ servicing a person's wig or artificial hairpiece on a person's head or on a block after the initial retail sale and servicing in any manner listed in Subdivision (1);
- (4) ~~(5)~~ treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;
- (5) ~~(6)~~ cleansing, stimulating, or massaging a person's scalp, face, neck, or arms:
- (A) by hand or by using a device, apparatus, or appliance; and
- (B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;
- (6) ~~(7)~~ beautifying a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;
- (7) ~~(8)~~ administering facial treatments;
- (8) ~~(9)~~ removing superfluous hair from a person's body using depilatories, preparations, or tweezing techniques;
- (9) ~~(10)~~ treating a person's nails by:
- (A) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring; or
- (B) attaching false nails;
- (10) ~~(11)~~ massaging, cleansing, treating, or beautifying a person's hands or feet;
- (11) ~~(12)~~ applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes; or
- (12) ~~(13)~~ weaving a person's hair.

SECTION 7. Section 1602.003(b), Occupations Code, is amended to read as follows:

(b) This chapter does not apply to a person who:

- (1) provides a service in an emergency;
- (2) is licensed in this state to practice medicine, dentistry, podiatry, chiropractic, or nursing and is operating within the scope of the person's license;
- (3) is in the business of or receives compensation for makeup applications only;
- (4) acts as a barber under Chapter 1601, if the person does not hold the person out as a cosmetologist;
- (5) provides a cosmetic service as a volunteer or an employee performing regular duties at a licensed nursing or convalescent custodial or personal care home to a patient residing in the home;
- (6) owns, operates, or manages a licensed nursing or convalescent custodial or personal care home that allows a person with an operator license to perform cosmetic services for patients residing in the home on an occasional but not daily basis; ~~or~~
- (7) provides an incidental cosmetic service, or owns, operates, or manages the location where that service is provided, if the primary purpose of the service is to enable or assist the recipient of the service to participate as the subject of:
- (A) a photographic sitting at a fashion photography studio;
- (B) a television appearance; or
- (C) the filming of a motion picture; or
- (8) *performs only natural hair braiding, including braiding a person's hair, trimming hair extensions only as applicable to the braiding process, and attaching commercial hair by braiding and without the use of chemicals or adhesives.*

SECTION 8. Section 1602.255(c), Occupations Code, is amended to read as follows:

(c) The commission shall adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of cosmetology defined in Sections 1602.002(a)(6), (8), (9), and (11) [~~1602.002(a)(7), (9), (10), and (12)~~].

SECTION 9. Section 1602.256(a), Occupations Code, is amended to read as follows:

(a) A person holding a manicurist specialty license may perform only the practice of cosmetology defined in Section 1602.002(a)(9) or (10) [~~1602.002(a)(10) or (11)~~].

SECTION 10. Section 1602.257(a), Occupations Code, is amended to read as follows:

(a) A person holding an esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(5), (6) [~~1602.002(a)(6)~~], (7), (8), [~~(9)~~] and (11) [~~(12)~~].

SECTION 11. Section 1602.2571(a), Occupations Code, is amended to read as follows:

(a) A person holding a specialty license in eyelash extension application may perform only the practice of cosmetology defined in Section 1602.002(a)(11) [~~1602.002(a)(12)~~].

SECTION 12. Section 1602.259(a), Occupations Code, is amended to read as follows:

(a) A person holding a hair weaving specialty certificate may perform only the practice of cosmetology defined in Sections 1602.002(a)(2) [~~(3)~~] and (12) [~~(13)~~].

SECTION 13. Section 1602.260(a), Occupations Code, is amended to read as follows:

(a) A person holding a wig specialty certificate may perform only the practice of cosmetology defined in Section 1602.002(a)(3) [~~1602.002(a)(4)~~].

SECTION 14. Section 1602.261(a), Occupations Code, is amended to read as follows:

(a) A person holding a manicurist/esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(5) [~~1602.002(a)(6)~~] through (10) [~~(11)~~].

SECTION 15. Section 1602.267(a), Occupations Code, is amended to read as follows:

(a) A person holding a shampoo apprentice permit may perform only the practice of cosmetology defined by Section 1602.002(a)(2) [~~1602.002(3)~~].

SECTION 16. Section 1602.305(a), Occupations Code, is amended to read as follows:

(a) A person holding a specialty shop license may maintain an establishment in which only the practice of cosmetology as defined in Section 1602.002(a)(3), (6), (8), (9), or (11) [~~1602.002(a)(2), (4), (7), (9), (10), or (12)~~] is performed.

SECTION 17. Section 1603.352(a), Occupations Code, is amended to read as follows:

(a) A person who holds a license, certificate, or permit issued under this chapter, Chapter 1601, or Chapter 1602 and who performs a barbering service described by Section 1601.002(1)(E) or (F) or a cosmetology service described by Section 1602.002(a)(9) or (10) [~~1602.002(a)(10) or (11)~~] shall, before performing the service, clean, disinfect, and sterilize with an autoclave or dry heat sterilizer or sanitize with an ultraviolet sanitizer, in accordance with the sterilizer or sanitizer manufacturer's instructions, each metal instrument, including metal nail clippers, cuticle pushers, cuticle nippers, and other metal instruments, used to perform the service.

SECTION 18. Sections 1601.259 and 1602.258, Occupations Code, are repealed.

SECTION 19. (a) The Texas Department of Licensing and Regulation shall issue a refund of fees to a person holding a barber or cosmetology hair braiding specialty certificate, hair braiding instructor license, or hair braiding specialty shop license immediately before the effective date of this Act.

(b) The Texas Department of Licensing and Regulation shall prorate fees on a monthly basis so that each license or certificate holder described by Subsection (a) of this section receives a refund for the amount of the fee that is allocable to the number of months from the month in which this Act takes effect until the month in which the license or certificate was scheduled to expire.

SECTION 20. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on April 23, 2015: Yeas 140, Nays 0, 2 present, not voting;
passed by the Senate on May 20, 2015: Yeas 30, Nays 0.

Approved June 10, 2015.

Effective June 10, 2015.

**RECOVERY OF COVERED UNEMPLOYMENT
COMPENSATION DEBT THROUGH PARTICIPATION IN THE
FEDERAL TREASURY OFFSET PROGRAM**

CHAPTER 414

H.B. No. 2732

AN ACT

relating to recovery of covered unemployment compensation debt through participation in the federal Treasury Offset Program.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 214, Labor Code, is amended by adding Section 214.009 to read as follows:

Sec. 214.009. RECOVERY OF COVERED UNEMPLOYMENT COMPENSATION DEBT THROUGH FEDERAL TREASURY OFFSET PROGRAM. (a) In this section, "program" means the federal Treasury Offset Program authorized by 26 U.S.C. Section 6402(f).

(b) The commission may collect the following covered unemployment compensation debt through the program:

(1) a past-due debt for erroneous payment of benefits due to fraud that has become final under law and remains uncollected;

(2) a past-due debt for erroneous payment of benefits due to a person's failure to report earnings, even if non-fraudulent, that has become final under law and remains uncollected;

(3) a past-due employer contribution owed to the compensation fund for which the commission has determined the person to be liable and that remains uncollected; and

(4) any penalties and interest assessed by the commission on a debt described by Subdivision (1), (2), or (3).

(c) Before submitting covered unemployment compensation debt for recovery under the program, the commission must:

(1) notify the debtor by regular United States mail that the commission plans to recover the debt through the offset of any federal tax refund;

(2) provide the debtor at least 60 days following the date the notice is provided under Subdivision (1) to present to the commission evidence that all or part of the debt is not:

(A) legally enforceable;

(B) due to fraud or unreported earnings; or

(C) a contribution owed to the compensation fund; and

(3) consider any evidence presented by the debtor to determine the amount of debt that is legally enforceable and owed.

(d) In considering evidence presented by a debtor under Subsection (c), the commission